



02 NOV 2006

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In re Application of	:	
NEWTON, et al.	:	
Application No.: 10/521,417	:	DECISION ON PETITION
PCT No.: PCT/EP03/06753	:	
Int. Filing Date: 25 June 2003	:	UNDER 37 CFR 1.47(b)
Priority Date: 05 July 2002	:	
Attorney Docket No.: SC0978EG	:	
For: TRANSMITTER AND RECEIVER GAIN	:	
CALIBRATION BY MEANS OF FEED-	:	
BACK IN A TRANSCEIVER	:	

This decision is in response to the renewed petition under 37 CFR 1.47(b) to accept the application without the signature of co-inventors Anthony Newton and Heinz Lehning filed 16 October 2006 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 17 August 2006, applicant was mailed a decision granting applicant's petition to revive pursuant to 37 CFR 1.137(b) and dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 16 October 2006, applicant filed the present renewed petition discussed herein.

### **DISCUSSION**

As detailed in the decision mailed 17 August 2006, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items 1 and 3 above.

With the filing of the present renewed petition and supporting documentation, applicant has addressed all of the remaining items identified as unsatisfied in the decision mailed 17 August

2006 and therefore it is proper to grant applicant's renewed petition at this time.

**CONCLUSION**

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 25 June 2003 under 35 U.S.C. 363, and will be given a date of **16 October 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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